

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

FABIAN D. CONGER	)	
	)	
Petitioner,	)	
v.	)	No: 1:12-cv-465-TWP-DML
	)	
SUPERINTENDENT, WABASH	)	
VALLEY CORRECTIONAL FACILITY,	)	
	)	
Respondent.	)	

**Entry Discussing Selected Matters**

**I.**

Habeas petitioner Conger seeks leave to proceed on appeal proceed *in forma pauperis*.

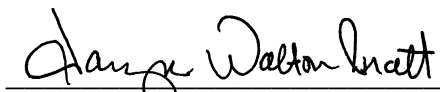
An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; see *Coppedge v. United States*, 369 U.S. 438 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. See *id.* There is no objectively reasonable argument the petitioner could present to argue that the disposition of this action was erroneous. In pursuing an appeal, therefore, the petitioner "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis* [Dkt. 25] is **denied**.

**II.**

The petitioner's motion for extension of time to file reply brief [Dkt. 21] is **denied** because the Entry dismissing this action was issued on July 5, 2012, when the petitioner's time to file a reply had expired. In addition, the sequence of events recited in the petitioner's motion merely confirms the basis of the court's decision in denying the petition for a writ of habeas corpus.

**IT IS SO ORDERED.**

Date: 07/26/2012 \_\_\_\_\_

  
\_\_\_\_\_  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

**Distribution:**

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